GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4893
ANSWERED ON:23.05.2006
UNDER TRIAL IN JAIL
Rao Shri Sambasiva Rayapati

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Delhi High Court has asked the Government to explore the possibilities of utilizing the services on undertrails lodged in jail in productive works on payment basis;

(b) if so, whether a division bench of judges has suggested certain measures on the basis of a surprise visit to Tihar Jail; and

(c) if so, the details thereof and by the time by which these suggestions are likely to be implemented?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO HODLYA GAVIT)

(a) to (c): Yes, Sir. A Division Bench of Delhi High Court visited the Tihar Jail on 24.1.2006 and issued, inter alia, the following directions vide its order dated 23.3.2006.

(i) The Director General (Prisons) to examine and submit a report on feasibility of payment being made to those engaged in scavenging, sweeping, etc. In case, the rationale over payment for these service is that they are non-productive or non-yielding in revenue, then a system of rotation be introduced so that every convict gets a chance to work in workshops/langars and other remunerative activity;

(ii) There has been an amendment in the Delhi Prison Act and Rule, 45(1) by which an un-convicted person could also be given an assigned work with the permission of Superintendent. In this regard, let the prison authorities examine the feasibility of an option regarding the willingness of undertrials being ascertained at the time of remand itself;

(iii) While preparing a comprehensive proposal in this regard after examining the feasibility of work to be assigned to willing undertrial prisoners thereof, Director General (Prisons) will have considerations of improving the educational, mental psyche of the undertrials as also the desirability of their rehabilitation.

(iv) Part of the gratuity/compensation being retained for the benefit of the victim in the event of conviction of the undertrial and in the event of his being discharged or acquitted, the amount should be paid to him in full.

In compliance of the aforesaid directions, a comprehensive proposal concerning the education of prisoners as also their rotational training has been submitted to the court. The case is now listed for hearing on 26.5.2006.